



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 2, 2025

By ECF

Hon. Stewart D. Aaron
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Application GRANTED. SO ORDERED.

Dated: April 3, 2025

Re: *Burton, et al. v. United States of America, et al.*, No. 18 Civ. 2039 (JHR) (SDA)

Dear Judge Aaron:

This Office represents the remaining defendants (the “Government”)¹ in this case, which arises from the death of Franklin Sanchez, a Colombian national who died while in custody at the Metropolitan Correctional Center (“MCC”) in March 2015. A settlement conference before Your Honor is scheduled for April 4, 2025, at 10:00 a.m. ECF No. 177. We write respectfully, with Plaintiffs’ consent, to request that counsel for the Bureau of Prisons (“BOP”) be permitted to attend the conference virtually. BOP counsel who is most knowledgeable about this action resides over 200 miles from the 500 Pearl Street courthouse and has personal obligations on April 4 at her home that will prevent her from attending in person. While other BOP counsel may be available instead, we believe the conference will benefit from her virtual participation.

The Court previously granted the Government’s request to modify Your Honor’s conference attendance requirements to excuse the Government from the requirement that all parties attend the conference and from having in attendance the person with ultimate authority for approving any settlement. ECF No. 177. The Court also granted the request of Plaintiffs Magda Acosta, Francy Martinez, and Franklin Sanchez, Jr. to appear virtually at the settlement conference, and excused Plaintiff Kenneth Mark Burton’s appearance at the conference. ECF 179.

We thank the Court for its consideration of this request.

¹ Specifically, this Office represents defendant the United States of America, which is sued under the Federal Tort Claims Act (“FTCA”), and defendants Anthony Bussanich, Robert Beaudouin, Ysmael Joaquin, Kimberly Shivers, Lorenzo Barazza, Gerald Castillo, Wilson Silva, Quentin Holzendorf, Terrance Thomas, Rosalind Silvia, and Shaadiq Shakir, who are current or former BOP employees sued in their individual capacity under *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971).

Respectfully,

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Southern District of New York

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cc: Plaintiffs' Counsel (by ECF)